

APPLICANT(S): B. Carmeli, et al.  
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### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 1 – 17 are pending in the application. Claims 1 – 17 have been rejected. Claims 1, 5, 6 and 9 have been amended.

### **The Personal Interview**

Initially, Applicants wish to thank the Examiner, Kevin Mew, for granting and attending the personal interview, with Applicants' Representative, Heidi M. Brun, Reg. No. 34,504 on November 27, 2007. In the interview, claim 1 was discussed, as was the Ghani citation.

Applicants' Representative pointed out that Ghani takes packets from ACK buffers 534. The present invention, on the other hand, has two different sources of data, a buffer, in which small messages are aggregated into large packets, and the pending queue, which holds the large packets until the fireout unit takes them for transmission. As amended, independent claims 1 and 9 now recite, the fireout unit takes from the pending queue "if said pending queue is not empty or from said buffer, even if said buffer is not full". As discussed in paragraphs [0013] – [0015], this selection enables the present invention to transmit data faster (since it does not wait to aggregate when there is no incoming data or when there is little network congestion). Ghani does not show this choice.

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## **CLAIM REJECTIONS**

### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 1 – 17 under 35 U.S.C. § 102(b), as being anticipated by Ghani (US 6,215,769). Applicants respectfully traverse this rejection in view of the remarks that follow.

As discussed above, Ghani does not show selecting from a pending queue or a buffer (amended claims 1 and 9). Ghani merely shows transmitting from the ACK buffers 534.

With respect to independent claims 5 and 13, Ghani does not show "adjusting the size of aggregated data packets". As argued previously, Ghani does not show operating on data packets but on ACK packets. Moreover, Ghani does not show adjusting the size of the ACK packets and certainly, not as a function of "a transmitting network device" since Ghani does not show a transmitting network device but a receiving network device.

Therefore, Ghani cannot anticipate claims 1, 5, 9 and 13.

Accordingly, Applicants respectfully assert that independent claims 1, 5, 9 and 13 are allowable. Claims 2 – 4, 6 – 8, 10 – 12 and 14 – 17 depend from, directly or indirectly, claims 1, 5, 9 and 13 and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 2 – 4, 6 – 8, 10 – 12 and 14 – 17 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 1 - 17.

In view of the foregoing amendments and remarks, the ending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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If any further fee is due, the undersigned hereby authorizes the United States Patent and Trademark Office to charge the fees to Deposit Account 09-0468.

Respectfully submitted,

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